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In re Application of :
ALI ABDULLAH HASSON, Tareq et al :
Application No.: 10/566,230 : DECISION
PCT No.: PCT/EP04/07800 :
Int. Filing Date: 14 July 2004 : ON PETITION UNDER
Priority Date: 30 July 2003 :
Attorney Docket No.: 670101.401USPC : 37 CFR 1.181
For: METHOD FOR PRODUCING SHAPE :
MEMORY EFFECTS IN HAIR :
:

This decision is in response to applicant's request for refund filed in the United States Patent and Trademark Office on 28 July 2006. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 14 July 2004, applicant filed international application PCT/EP04/07800, which claimed a priority date of 30 July 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 February 2005. The deadline for entry into the national stage in the United States was midnight on 30 January 2006.

On 27 January 2006, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee. The transmittal letter a transmittal letter for entry into the national phase in the United States. The transmittal letter is a modified version of the Form PTO-1390. On the third page, applicants changed the authorization to charge any required fees to an authorization to charge any deficiency in the basic national fee.

On 18 July 2006, the Office charged excess claim fees to applicants' deposit account.

On 19 July 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 28 July 2006, applicant filed a petition under 37 CFR 1.181 for a refund.

DISCUSSION

The charging of the excess claim fees was not authorized and will be refunded to deposit account no. 19-1090.

However, applicants indicate they wish to avoid this error in the future. Applicants have chosen to make a minor alteration to a highly familiar PTO form. While the error is on the part of the Office, applicants may wish to make the alteration far clearer to avoid future confusion.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 19 July 2006 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including mailing of a corrected Notification of Missing Requirements indicating that additional claim fees are also required.

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